

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 4:19-cr-00059-GHD-JMV

JOHN COUEY

DEFENDANT

ORDER REGARDING DEFENDANT'S PRO SE MOTION
FOR COMPASSIONATE RELEASE

The Defendant has filed a *pro se* motion seeking compassionate release [33].¹ In his motion, the Defendant specifically disclaims that he is seeking relief under Sections A, B, or C of Application Note 1 to Section 1B1.13 of the United States Sentencing Commission Guidelines Manual (Nov. 2018).² In his reply to the Government's response to his motion, however, the Defendant raises the issue of childcare, which may in fact place the Defendant's request for compassionate release under the purview or ambit of Section C of Application Note 1 to Section 1B1.13 [36]. Because this issue was raised for the first time in the Defendant's reply, the Government has not been afforded an opportunity to address it.

Accordingly, if in fact the Defendant is requesting relief under Section C of Application Note 1 to Section 1B1.13, the Court hereby grants him 14 days from today's date to clarify and supplement his pending motion. The Government is granted 10 days from the date of receipt of any supplemental filing to respond. The Defendant is in turn granted 10 days, from the date of receipt, to reply to the Government's response. The Court is cognizant of the fact that the Defendant may face difficulty and delay in preparing written documents. The Court has taken this

¹ The Defendant is presently incarcerated at the Federal Correctional Institution – Yazoo City; the Court sentenced the Defendant to 18 months imprisonment on January 16, 2020, after he pled guilty to five counts of making false material statements in violation of 33 U.S.C. 1319(c)(4) [23].

² Section C of Application Note 1 provides that, in some situations, family circumstances regarding the care of minor children can constitute an extraordinary and compelling reason for the reduction of a term of imprisonment. United States Sentencing Commission, Guidelines Manual §1B1.13, Application Note 1(C) (Nov. 2018).

into consideration and has granted adequate time for the Defendant to prepare the aforementioned documents. In the event the Defendant wishes to expedite consideration of this matter, he may file his supplemental pleading sooner than the allotted 14 days.

SO ORDERED, this the 7th day of July, 2020.



SENIOR U.S. DISTRICT JUDGE